

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

**1) State of Oklahoma, ex rel.  
Department of Transportation,**

**Plaintiff,**

**vs.**

**Case No. 23-CV-00039**

**1) United States Department of Interior, Bureau of  
Indian Affairs, on behalf of the Heirs of David Crow,  
Tract ID #812 247-F;**

**2) Charlene I. Cozad, if deceased, his/her known or  
unknown heirs, executors, administrators, legatees,  
devisees, trustees, creditors, and assigns;**

**3) Lisa Doss;**

**4) Hugh Vinson Dove a/k/a Hugh Doss;**

**6) Holly Lucille Echo Hawk;**

**7) Lance G. Echo Hawk;**

**8) Debra Denise Echo Hawk;**

**9) Roger C. Echo Hawk;**

**10) Howard Echo Hawk;**

**11) Helaire Lynn Echo Hawk;**

**12) Harold William Echo Hawk;**

**13) David Duane Echo Hawk;**

**14) Rodney Neil Echo Hawk;**

**15) Bernadette Clare Echo Hawk;**

**16) Walter Roy Echo Hawk Jr.;**

**17) Alvin George Echo Hawk Jr.;**

**18) Gerri Ferris a/k/a Gerri Marie Echo Hawk Horn,**

**if deceased, his/her known or unknown heirs, executors,  
administrators, legatees, devisees, trustees, creditors  
and assigns;**

**19) Helen S. Echo Hawk Norris;**

**20) Abigail Frances Russell;**

**21) Christopher Lee Sleeper;**

**22) Lavenia Ann Jim Sleeper a/k/a Lavena Sleeper;**

**23) Herman A. Sleeper Jr.;**

**24) Tina Ann Sleeper Speedis;**

**25) Tamara Charlotte Robedaux Twins, if deceased,  
his/her known or unknown heirs, executors,  
administrators, legatees, devisees, trustees, creditors  
and assigns;**

**26) Alison Williams a/k/a Alison K. Sleeper Johnson  
a/k/a Alison Kay Fox;**

27) George Thomas Echo Hawk, II, if  
deceased, his/her known or unknown heirs, executors,  
administrators, legatees, devisees, trustees, creditors  
and assigns;  
28) Daniel Whitecloud Echo Hawk;  
29) A perpetual Highway Easement containing  
0.26 acres located in the S1/2 SE1/4 of Section 2,  
Township 21 North, Range 4 East, Pawnee County,  
Oklahoma.

**Defendants.**

## COMPLAINT

**COMES NOW** the Plaintiff, State of Oklahoma, ex rel. Department of Transportation (the "Plaintiff"), and for its cause of action against the Defendants alleges and states as follows:

1. This action is instituted in the name of the State of Oklahoma, ex rel. Department of Transportation, as authorized by and in accordance with 25 U.S.C. § 357 and 69 Okla. Stat. §, 1203.

2. For the purpose of establishing, constructing and maintaining the State Transportation System in Pawnee County, Oklahoma, it is necessary for the Plaintiff to acquire an interest in the tract of land hereinafter described on Exhibit "1", attached hereto and made a part hereof, excluding mineral interests but including airspace and including the right to use and remove any and all roadbuilding materials. The acquisition shall be for a perpetual highway easement, unless specified otherwise in the legal description(s) attached hereto in which case the quality of title or interest to be acquired herein shall be as stated in such legal description(s). The property is to be acquired for the construction and maintenance of said State Transportation System or facilities necessary and incidental thereto.

3. Said property is situated in Pawnee County, Oklahoma. The above-named Defendants own or claim some interest in said real property.

4. Plaintiff further states and represents that it has made reasonable effort to secure by purchase, from the said Defendants, the land hereinafter described on Exhibit "1". Plaintiff further asserts that said Defendants are unable or have refused to grant same to the Plaintiff.

5. An affidavit of need and necessity to acquire the above-described property is hereto attached, marked Exhibit "2", and made a part of this Complaint.

6. Plaintiff further states that it is necessary for the State of Oklahoma to acquire said title or interest and all equivalent rights, title or interest in and to the light, airspace and view above same in order to accomplish the public purpose of constructing and maintaining a public transportation system and related facilities. Acquisition of this property by Plaintiff excludes mineral interests. Said mineral interests may only be explored as provided by law and in a manner not inconsistent with use of said property for public transportation service and other purposes incidental thereto.

**WHEREFORE**, premises considered, Plaintiff prays that the Court appoint three disinterested freeholders of said Pawnee County as Commissioners. They should be selected by the Judge of the U.S. District Court, as prescribed by law, and should not be interested in any like question. The Commissioners should be instructed to inspect said real property described on Exhibit "1" and to consider and appraise the just compensation to which the said Defendants as owners thereof, or who profess an interest therein, are entitled by reason of the taking of a perpetual highway easement across such property. The Report of Commissioners should be filed with the Clerk of this Court. Notice as prescribed by statute should be served by the Court Clerk upon all parties. Upon deposit with the Clerk of this Court of the amount stated in the Report of Commissioners, Plaintiff is authorized to enter upon said land and take said real estate for its use

hereinbefore described. The final determination of all rights and issues of the parties should be made in the manner prescribed by law.

Respectfully submitted,

**STATE OF OKLAHOMA, ex rel  
DEPARTMENT OF TRANSPORTATION**

**s/SYDNEY BARRETT**

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